S.B.Cr.Misc. Bail App. No.5616/2007
(Hitesh @ Rinku. Vs. State of Rajasthan)

Date of order : 20.11.2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Kulwant Singh for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by learned counsel for the petitioner that the deceased herself left the suicide note before committing the suicide and no allegation has been levelled against the petitioner who is her husband, however, there is allegation in the suicide note against Titu (Manish Sharma), and as per the statement of the father of the deceased, Titu (Manish Sharma) is son of Roshan Lal, who is not family member of the petitioners. Learned counsel further submits that the deceased was working as a Physical Teacher in the Government Secondary School and on 8th July, 2007, she has taken her all articles and executed a document in presence of witnesses Karnidan Ojha, Mr. Rajesh Gupta, Member of Municipality, Ward No.4, Hanumangarh and Mr. A.K. Sharma, who is real uncle of the deceased. He has shown an original document before me wherein she has stated that on 8th July, 2007, she has left her in-laws house situated at 3/76 Housing Board Colony, Hanumangarh Junction and collected her all Stridhan and all

other articles given to her at the time of marriage and went to the house taken on rent at Durga Colony, Hanumangarh Junction and started living with her husband.

I have carefully gone through the statements of the witnesses, more particularly the statement of Ashok Kumar, wherein it appears that the deceased left her in-laws house and started living with her husband at Durga Colony, Hanumangarh and ultimately committed suicide in the fort premises, Hanumangarh Town, which is far away from the Hanumangarh Junction.

The suicide note written by the deceased read as under :

"Dearest Rinku,

मैं यह attempt केवल और केवल आपके परिवार के सदस्यों द्वारा मेरी झूठी बातें बनाने के कारण उठा रही हूँ । पहले भी वो मेरे character को लेकर गलत कह चुके है। आप जानते है कि किस की बात में कितनी सच्चाई है।

आपकी family के अलावा Titu (मनीष शर्मा) भी मेरी मौत का जिम्मेवार है।

मेरे गहने मेरे परिवार

ममता

को दे दिए जाएं।

टीटू को कहा जाएं कि मेरी लाश को अच्छी तरह check कर ले कही मेरा मरना भी उसके लिए ढोंग न हो।

मेरे पति को कुछ न कहा जाएं।

पापा मुझे माफ कर देना।

सारिका, भाभी मेरे बच्चों का ख्याल रखना। उन्हें कोई भी दुख न आने देना। उनकी बहुओ को प्यार से रखना।"

A careful perusal of the statement of the witness Ashok Kumar and the original document shown by the learned counsel for the petitioner shows that the deceased herself executed the document and took away the articles and in the suicide note there is no allegation of subjecting the deceased to cruelty or causing harassment in connection with demand of dowry against the petitioner.

Without expressing any opinion on the merit of the case which may prejudice case of the either parties at the trial, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Hitesh @ Rinku s/o Ramesh Chandra Sharma be released on bail in FIR No.416/2007 P.S. Hanumangarh Town, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

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